

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

~~Zai You Zhu and Xiao Cheng,  
Individually and on behalf of all other employees  
similarly situated,~~

**Plaintiffs,**

**-against-**

~~Meo Japanese Grill and Sushi Inc. d/b/a Meo  
Japanese Hibachi, Rafael Kasaev, Michael  
Musheyev and Hananya Aranbaiev~~

**Defendants.**

**Case No. 17-CV-3521**

**NOTICE OF PENDENCY OF  
LAWSUIT REGARDING WAGES**

**NOTICE OF PENDENCY OF LAWSUIT REGARDING WAGES**

Please read this notice if you are or were employed as a **hibachi-tipped Hibachi** chef by Meo Japanese Grill and Sushi Inc. d/b/a Meo Japanese Hibachi, ~~Rafael Kasaev, Michael Musheyev and Hananya Aranbaiev,~~ located at 185-01 Union Turnpike, Fresh Meadows, New York, 11366 at any time between June 12, 2014 and the present.

Former employees Zai You Zhu and Xiao Cheng ("Plaintiffs") has~~ve~~ sued Meo Japanese Grill and Sushi Inc. d/b/a Meo Japanese Hibachi (hereinafter "Meo"), Rafael Kasaev, Michael Musheyev and Hananya Aranbaiev (collectively, "Defendants") on behalf of other current and former tipped Meo Japanese Hibachi employees/chefs, seeking (1) unpaid overtime wages, (2) statutory penalties, (3) liquidated damages and (4) attorneys' fees and costs.

If you worked for Meo ~~Japanese Hibachi~~ between June 12, 2014 and the present solely as a tipped Hibachi Chef, you may be entitled to unpaid overtime compensation ~~under the protection of the federal Fair Labor Standards Act ("FLSA")~~. The purpose of this Notice is to advise you of your right to participate in this lawsuit under the Fair Labor Standards Act (hereinafter "FLSA").

Defendants deny that the Plaintiffs' claims have merit and intend to vigorously defend themselves in this lawsuit. The Court has not decided the merits of any claims or any defenses asserted by any party to this lawsuit or whether any party is right or wrong. Your right to participate in this lawsuit may depend on a later determination as to whether you are similarly situated to the Plaintiffs, which Defendants dispute. There is no assurance that the Court will grant you any relief in this lawsuit. You may be responsible for costs and expenses if the Defendants prevail in this action.

The Court has not yet ruled on whether Plaintiffs' claims have any merit.

**YOUR LEGAL RIGHTS**

If you worked for Defendants solely as a tipped non-exempted employee-Hibachi chef at any time between June 12, 2014 and the present, you may join this collective action under the FLSA. If you believe that you may be able to assert any of the claims described above, you have the right to participate in this lawsuit. It is your right to join or not to join this lawsuit. If you decide to join this lawsuit, it is illegal for Defendants to retaliate, discharge, take any adverse action, or discriminate against you in any way for participating in this lawsuit.

By participating as a collective action member, you are subject to discovery and you may have to produce your tax records and other private documents, submit to a deposition, and/or be subpoenaed to testify as a witness at the trial of this matter. You may be responsible for attorneys' fees and costs in the event your claim is denied. Finally, as noted, Defendants anticipate seeking to decertify the collective action at the end of this case. Should Defendants prevail on their motion, then the collective action will be eliminated, the lawsuit will be limited to the named plaintiffs and you will no longer be part of this lawsuit. If you do not wish to participate in this lawsuit, you need not do anything. If you decide not to participate in this lawsuit, you may not be eligible to receive any benefits in the event that a settlement or judgment is obtained. You would be free to file and pursue your claims, if any, against any of the Defendants independently. Anyone who joins the action may be responsible for attorney's fees, depending on their arrangement with counsel, and will be responsible for costs to the Defendants if their claim is denied or otherwise dismissed.~~If you participate in this lawsuit's FLSA claim, you will be required to provide information and answer questions, answer interrogatories, respond to document requests, and you may be required to testify at a deposition and at trial or a hearing in court and to produce documents.~~ You will also be bound by the outcome of this lawsuit's FLSA claim, whether it is favorable or unfavorable ~~to the plaintiffs.~~

To join this lawsuit, you must timely sign a "Consent to Sue" form, which is enclosed with this Notice, and send it on or before ~~(DATE)~~ \_\_\_\_\_, 2018 to the Court:

Jian Hang, Esq.  
Hang & Associates, PLLC  
138-16 39<sup>th</sup> Avenue, Suite 1003  
Flushing, New York 11354  
Tel: (718) 353-8588  
Fax: (718) 353-6288  
Email: [jhang@hanglaw.com](mailto:jhang@hanglaw.com)

United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201-1804

If you fail to timely sign a "Consent to Sue" form, Defendants reserve the right to challenge the timeliness of your opt-in at a later date. If you do not join this lawsuit, and instead intend to bring your own lawsuit, you should be aware that the lawsuit must be brought within a specific period of time. Generally, the statute of limitations under the FLSA is two or three years from the date of the violation; ~~and the statute of limitations under the NYLL is six years from the date of the violation.~~ Defendants dispute Plaintiffs' contentions that they were not properly paid and do not believe that a collective action is proper in this lawsuit and anticipate moving to decertify the collective action at the close of discovery in this matter, as they have the right to do. Defendants do not believe that Plaintiffs have demonstrated the necessary elements required to establish a collective action.

#### **THE LAWYERS REPRESENTING PLAINTIFF**

If you join this lawsuit and agree to be represented by Plaintiffs through ~~his~~ their attorney, you will be represented by Hang & Associates, PLLC. The firm is handling the lawsuit on a "contingency fee" basis, which means that you do not have to pay any attorney's fees ~~or expenses~~ for this lawsuit but you still may be required to pay litigation expenses. If the plaintiffs win a favorable judgment or if the parties reach a reasonable settlement, Hang & Associates, PLLC may ask the Court to award it up to one-third of the monetary recovery. You are not required to have Hang & Associates, PLLC represent you. ~~If y~~You

~~can represent yourself or retain your own attorney. want your own attorney to represent you in this lawsuit, however, you will be responsible for paying that attorney's fees and expenses.~~

You can obtain more information about this lawsuit by contacting Jian Hang, Esq., counsel for the Plaintiffs, or Emanuel Kataeve, counsel for the Defendants:

Jian Hang, Esq.  
Hang & Associates, PLLC  
138-16 39<sup>th</sup> Avenue, Suite 1003  
Flushing, New York 11354  
Tel: (718) 353-8588  
Fax: (718) 353-6288  
Email: [hang@hanglaw.com](mailto:hang@hanglaw.com)

#### **THE LAWYERS REPRESENTING DEFENDANTS**

Defendants in this lawsuit are represented by Milman Labuda Law Group PLLC:

Milman Labuda Law Group PLLC  
Emanuel Kataev, Esq.  
3000 Marcus Avenue, Suite 3W8  
Lake Success, NY 11042-1073  
(516) 328-8899 (office)  
(516) 303-1395 (direct dial)  
(516) 328-0082 (facsimile)  
[emanuel@mllaborlaw.com](mailto:emanuel@mllaborlaw.com)

~~If you decide to join this lawsuit, you should not contact Defendants' lawyer but instead rely on your own counsel to do so.~~

**Do not call or write the Court or the Clerk's Office with questions.**

Dated: Flushing, New York  
\_\_\_\_\_, 2018

**"CONSENT TO SUE" FORM**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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Zai You Zhu and Xiao Cheng,  
*Individually and on behalf of all other employees  
similarly situated,*

**Plaintiffs**

**Case No. 17-CV-3521**

**-against-**

Meo Japanese Grill and Sushi Inc. d/b/a Meo  
Japanese Hibachi, Rafael Kasaev, Michael  
Musheyev and Hananya Aranbaiev

**Defendants.**

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If you are or were employed as a **tipped** hibachi chef at Meo Japanese Hibachi at any time between June 12, 2014 and the present, complete and mail this Consent Form by **(DATE)** \_\_\_\_\_, 2018 to:

Jian Hang, Esq.  
Hang & Associates, PLLC  
138-16 39<sup>th</sup> Avenue, Suite 1003  
Flushing, New York 11354  
Tel: (718) 353-8588  
Fax: (718) 353-6288  
Email: jhang@hanglaw.com

I hereby consent to ~~join this lawsuit as a party plaintiff~~opt into the FLSA portion of this lawsuit. I affirm that I have read the Notice of Pendency of Lawsuit Regarding Wages. By signing and returning this consent form, unless otherwise provided below, I hereby designate Zai You Zhu and Xiao Cheng or their counsel Hang & Associates, PLLC to represent me and make decisions on my behalf concerning the litigation and any settlement.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Instead of retaining Hang & Associates, PLLC, I intend to retain my own counsel prior to (DATE) or represent myself.

SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_